

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN PARKER,)	
)	
Plaintiff,)	Case No. 4:06-cv-125
)	
v.)	Honorable Robert Holmes Bell
)	
JENNIFER GRANHOLM, et al.,)	
)	<u>MEMORANDUM OPINION</u>
Defendants.)	
)	

By report and recommendation filed November 6, 2006, Magistrate Judge Joseph G. Scoville recommended that plaintiff's complaint be dismissed without prejudice for failure to exhaust prison administrative remedies as required by 42 U.S.C. § 1997e(a). The magistrate judge further recommended that this *pro se* action not be granted class action status. Plaintiff has filed timely objections to the report and recommendation, which this court must accord *de novo* review. FED. R. CIV. P. 72(b).

Plaintiff's objections merely rehash the assertions made in his complaint. The magistrate judge correctly concluded that plaintiff, as a *pro se* litigant, is not an adequate representative of a plaintiff class. The report and recommendation also correctly found that plaintiff had failed to exhaust administrative remedies and properly rejected plaintiff's allegations of futility. The court would add that plaintiff clearly lacks standing to challenge the conditions of confinement experienced by all Michigan prisoners at each Level I facility. A valid prisoner complaint must focus

on deprivations of constitutional magnitude suffered by the plaintiff himself, and may be brought only after exhaustion of administrative remedies, as required by the Prison Litigation Reform Act.

Plaintiff's objections will be overruled and the case will be dismissed without prejudice.

Date: November 28, 2006

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE